

# THE BLUE SHEET

## The Legislative Edition

JULY 2005



EDITOR: MARCY HOIK

### **CALENDAR & JOURNAL OF THE 2005 SESSION - HOUSE & SENATE**

The Governor's Commission on Disability's Ad Hoc committee on Legislative Review has been monitoring this session's bills pertaining to disability. A review process led to the committee either supporting or opposing proposed legislation. Below you will find the result of what happened to our list of bills. Please feel free to contact us via phone at (603) 271-2773 or email at [Marcy.Hoik@nh.gov](mailto:Marcy.Hoik@nh.gov) if you would like any further information as the 2005 Legislative Session draws to a close. For a complete listing of house and senate legislation, go to: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

### **BILLS SUPPORTED BY THE COMMISSION**

- **HB43:** (New Title) relative to state employees appearing before the Legislature: Passed, effective August 21, 2005.
- **HB118:** relative to bicycle helmet use by certain minors: Signed by the Governor. Assigned to Chapter # 0100, effective January 1, 2006.

- **HB158:** (2<sup>nd</sup> New Title) relative to district courts: Passed, Section I of this act shall take effect January 1, 1006, The remainder of this act shall take effect upon its passage.
- **HB206:** relative to alcohol education and abuse prevention and treatment programs Signed by the Governor. Assigned to Chapter# 0077, effective July 1, 2005 at 12:01 a.m.
- **HB343:** establishing a commission to study accessibility for New Hampshire citizens to the water bodies in the state Inexpedient to Legislate
- **HB382:** (New Title) establishing a committee to develop a strategic capital plan for Department of Corrections' facilities Signed by the Governor. Assigned to Chapter 139. Section 2 shall take effect November 1, 2011, the remainder shall take effect June 17, 2005.
- **HB440:** relative to hearing ear dogs, guide dogs, and service dogs: Signed by the Governor. Assigned to Chapter# 0142, Effective June 17, 2005.
- **HB469:** regulating disputes between homeowners and contractors relative to residential construction defects Signed by the Governor. Assigned to Chapter# 0155, Effective January 1, 2006.
- **HB478-FN-A:** making an appropriation for "Newsline for the Blind": Passed, effective July 1, 2005.
- **HB506:** including employees of charitable organizations under the protection of the state law against discrimination: Retained in the House Labor, Industrial and Rehabilitative Services Committee.
- **HB561:** relative to reasonable accommodation by employers under the state law against discrimination: Laid on the Table
- **HB568:** establishing the greater Derry-Salem cooperative alliance for regional transportation: Signed by the Governor. Assigned to Chapter# 0116, effective August 14, 2005.
- **HB598-FN:** establishing a full-time financial exploitation coordinator in the department of justice: Retained in the House Executive Departments and Administration Committee
- **HB603-FN-A:** relative to the state's purchase of the Laconia District courthouse building and making an appropriation therefor Signed by the Governor. Assigned to Chapter# 0158, effective July 1, 2005.

- **HB665-FN-L:** relative to the applicable minimum wage for hourly employees: Inexpedient to Legislate
- **HB673-FN:** making it a felony to knowingly transmit the human immunodeficiency virus or hepatitis to another person: Retained in House Criminal Justice and Public Safety Committee
- **HB696-FN:** (New Title) relative to enhanced penalties for certain crimes against the elderly and persons with disabilities: Referred to the Senate Judiciary Committee
- **HB689-FN:** relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases: Retained in the House Commerce Committee

### **BILLS OPPOSED BY THE COMMISSION**

- **HB83:** repealing the obligation to provide persons applying for a marriage license with a list of family planning services and brochures on fetal alcohol syndrome and the human immunodeficiency virus In Committee of Conference, House Membres: Eric Stohl, John Dowd, Robert Brundige, and Nancy Johnson. Senate Members: Sheila Roberge, John Barnes, and Peter Burling.
- **HB397:** relative to the authority to file an abuse or neglect petition under the Child Protection Act Retained in the House Child and Family Law Committee
- **HB473:** relative to the creation of screening panels for medical injury claims Retained in the House Judiciary Committee.

### **ON THE FEDERAL FRONT**

- Foreign cruise lines sailing in U.S. waters must provide better access for passengers in wheelchairs: The Supreme Court ruled in June in response to a lawsuit brought in 1998 and 1999 by three passengers with disabilities claiming that even though they had paid a premium for accessibility the Norwegian Cruise Lines did not accommodate their needs. The Court added that the cruise lines “need not comply if ‘too much international discord or disruption of internal affairs’ occurs, applying the ‘readily achievable’ defense provision.” (*Capital Insider*, vol 10, issue 23)
- In June, the Government Accountability Office issued it’s report reviewing over 20 federal agencies and almost 200 programs providing services or assistance to people with disabilities: Titled “Federal Disability Assistance: Wide Array of Programs Needs to be Examined in Light of 21<sup>st</sup> Century Challenges”, this report identifies “(1) the wide array of federal programs that serve people with disabilities, and (2) the major challenges these

federal programs face in the 21<sup>st</sup> century.” (GAO-05-626). For more information contact Robert E. Robertson at 202-512-7215 or you can access this report on-line at <http://www.gao.gov/new.items/d05626.pdf>.

- Proposed rules to implement the IDEA Amendments of 2004 were released by the US Department of Education: On June 10<sup>th</sup>, the US Dept of Education released the proposed rules, which can be found on-line at [www.ed.gov/policy/speced/guid/idea/idea2004.html](http://www.ed.gov/policy/speced/guid/idea/idea2004.html). The proposed rules have not been officially published in the Federal Register. The comment period is 75 days from the date of publication in the Federal Register.
- ADA Notification Act: On June 8, 2005, the ADA Notification Act (H.R. 2804) was introduced in the U.S. House of Representatives. This legislation would amend Title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided (at least 90 days) to correct alleged violations. This bill was referred to the House Committee on the Judiciary.  
Source: [www.NCD.gov](http://www.NCD.gov)
- Ending the Medicare Disability Waiting Period Act of 2005: The Ending the Medicare Disability Waiting Period Act of 2005 has been introduced as legislation in both Houses of the U.S. Congress. S. 1217 was introduced in the U.S. Senate June 9, 2005. H.R. 2869 was introduced in the U.S. House of Representatives June 13, 2005. These bills amend Title II of the Social Security Act to phase out the 24-month waiting period for individuals with disabilities to become eligible for Medicare benefits and to eliminate the waiting period for individuals with life-threatening conditions. S. 1217 was referred to the Senate Committee of Finance. H.R. 2869 was referred to multiple House Committees with jurisdiction: Ways and Means, Energy and Commerce, Transportation and Infrastructure Subcommittee on Railroads. Source: [www.NCD.gov](http://www.NCD.gov)
- The Services for Ending Long-Term Homelessness Act : The Services for Ending Long-Term Homelessness Act has been introduced as legislation in both Houses of the U.S. Congress. S. 709 and H.R. 1471 were introduced on April 5, 2005. These bills would amend the Public Health Service Act to require the Secretary of Health and Human Services, acting through the Administrator of Substance Abuse and Mental Health Services Administration, to design national strategies, including a matching grant program, for providing services in supportive housing that will assist in ending chronic homelessness and to implement programs that address chronic homelessness. S. 709 was referred to the Senate Committee on Health, Education, Labor, and Pensions. H.R. 1471 was referred to the House Committee on Energy and the Commerce Subcommittee on Health. Source: [www.NCD.gov](http://www.NCD.gov)

## **SUMMER FUN!!!**

It's summer in New Hampshire! Time to make vacation and holiday plans. We are fortunate to live in a state that provides mountains, lakes, oceans, parks and beaches all within a reasonable distance.

- New Hampshire Division of Parks and Recreation has provided a web site that lists our state parks along with an "Accessibility At A Glance" link that can be found at <http://www.nhparks.state.nh.us/ParksPages/parks.html>. State Parks can be found via an alphabetical listing and are rated for accessibility in the following areas: boat launch, camping, parking, picnicking, restrooms, store/gift shop, swimming, trails and walkways.
- New Hampshire Fish and Game Department has published a NH Boating and Fishing Public Access Map in an effort to help persons with disabilities identify public access sites suitable for their use. The map uses an "accessibility index" which will eventually be posted at all Fish and Game Department owned or controlled access sites.
- Northeast Passage: The mission of Northeast Passage is to "create an environment where individuals with disabilities can recreate with the same freedom of choice, quality of life, and independence as their peers without disabilities. We do this by developing, delivering, and evaluating innovative barrier-free recreation and health promotion programs. Our guiding principles are promoting client independence through education and problem solving, creating opportunities, and collaborating with others to create a strong network of accessible recreation." Northeast Passage has an extensive list of summer activities including water-skiing, adaptive golf, cycling, and white water rafting. For more information and a schedule of summer events you can access their web site at [www.nepassage.org](http://www.nepassage.org) or call 603-862-0070, TTY: NH Relay 800-735-2964.
- AbilityPLUS is a nonprofit organization located in Waterville Valley New Hampshire. They are "dedicated to helping people with disabilities realize their dreams of inclusion through adaptive skiing and other recreation opportunities." Their full calendar of events can be found at <http://abilityplus.org/calendar.htm> or by calling Silke Fockenbrock at 603-236-4758 ext1. Special Summer Weekend Activities include a paddling weekend, a tennis/golf weekend, and a water sports weekend. Fees cover cost of instruction, equipment, lunch and snacks. Financial Aid is available. Call for accommodation and lodging information.
- If you are looking for an adventure outside of New Hampshire, check out Wilderness Inquiry. "Sharing outdoor adventure with everyone is our mission – and our passion. WI offers a wide variety of canoe, sea kayak, dogsled, raft, horse pack and hiking trips throughout North America and the World." Activities offered this summer include a Boundary Waters Canoe 5-day Adventure, an Allagash River Canoe Adventure and a Black Hills Family Adventure in the Black Hills of South Dakota. For more information you can check out their web site at [www.wildernessinquiry.org](http://www.wildernessinquiry.org), or call 612-676-9400, Toll Free: 800-728-0719, TTY: 612-676-9475.

## **Commission Loses Longtime Disabilities Advocate**

Nancy Ashton lost her fight against MS last month. Nancy was an active member of the Governor's Commission on Disability for many years. Everyone who knew her loved her quick wit and wonderful sense of humor. A tireless supporter of the rights of people with disabilities, Nancy also served on the Statewide Independent Living Council and the State Rehabilitation Council. She knew how to get things done and by her own example she motivated others to get involved. Even though the various committees she worked with kept her very busy, she always managed to find time to volunteer for her church. Nancy had been working on a book about her life that is filled with incredible insights about life – she wanted it to be an inspiration to those going through life altering illnesses and events. Some of her friends are now working with Ann Adkins to finish her book leaving her already written chapters unedited but backfilling with “snippets” and anecdotes from people around her during the times she wrote about. If you knew Nancy and would like to include a memory about her or if you have a favorite story you would like to include, please contact: Ann Adkins, Tel: (603) 226-4711; 7 Wedgewood Drive, Concord, NH 03301; e-mail: [agray322@comcast.net](mailto:agray322@comcast.net)

## **Announcements**

The Governor's Commission on Disability will hold a brief Press Conference on **Tuesday, July 26, 2005** at the Capitol Center for the Arts in Concord (time to be announced) to celebrate the 15<sup>th</sup> Anniversary of the signing of the Americans with Disabilities Act (ADA). In commemoration of the ADA's 15<sup>th</sup> year, **for the next 15 months the Commission will highlight one activity or program per month, beginning with the Capital Center for the Arts, focusing on improved access to recreation**, the arts or justice in New Hampshire. The Governor will read a proclamation in observance of this landmark legislation that has greatly improved the quality of life for people with disabilities. Stay tuned for updates.....

## **A Quick Note From the Editor**

Thank you all for your continued support for The Blue Sheet. Our Newsletter will be under construction over the next couple of issues. In the end, I am confident that you will enjoy the new format and other articles of interest which will be added during this time.

If you should have any comments, suggestions, items of interest, or events which you would like addressed or included, please forward them to me at the Contact Information listed below. I am excited about the changes to come and look forward to receiving your feedback.

Address questions and comments to Marcy Hoik, c/o the Governor's Commission on Disability, 57 Regional Drive, Concord, NH 03301, Tel: 271-5614 or 1-800-852-3405 toll free in New Hampshire (Voice or TTY), e-mail: [Marcy.Hoik@nh.gov](mailto:Marcy.Hoik@nh.gov)

Happy Reading;

*Marcy E. Hoik*